

Summary Minutes
City of Sedona
Planning & Zoning Commission Work Session
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Thursday, March 27, 2014 - 3:30 p.m.

1. VERIFICATION OF NOTICE

Chair Losoff confirmed the work session had been properly noticed.

2. CALL TO ORDER & ROLL CALL

Chair Losoff called the work session to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Chair Marty Losoff, Vice Chair Michael Hadley and Commissioners John Currivan, Scott Jablow, Kathy Levin and Norm Taylor. Commissioner Eric Brandt was excused.

Staff Present: Audree Juhlin, Cari Meyer, David Peck, Donna Puckett and Ron Ramsey

3. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF

Cari Meyer announced that after the project update was prepared, the Mormon Hills Subdivision, now known as Sky Ridge, submitted for Preliminary Plat, so that will be routed to reviewing agencies and coming to P&Z in the future.

Chair Losoff noted that the C-Market is moving along and Vice Chair Hadley reported that Mariposa poured one-third of the floor slab about 10 days ago.

4. REGULAR BUSINESS

- a. PZ14-00002 (ZC) Discussion regarding a request for a Zone Change from RS-6 (Single Family Residential) to C-2 (General Commercial) to allow for construction of a private parking lot for Over the Edge Bikes at 15 View Drive. A general description of the area affected includes but is not limited to the southwest corner of State Route 89A and View Drive. The lot is further identified as Assessor's Parcel Number 408-07-074. Applicant: Hal J. Dick; Staff: Cari Meyer, Associate Planner (30 minutes; 3:45 pm - 4:15pm)**

The Commission scanned the Preliminary Planning Comments provided and Cari Meyer indicated that most of the reviewing agency comments were related to the need to ensure that all proper information is provided prior to the issuance of the Building Permits, plus Mike Raber provided comments about the Community Plan, and Martha Keider, in the Finance Department, confirmed that the applicant is all paid up.

Cari explained that neighbors were sent a Notice of Application and the applicant has sent out citizen participation letters, so the applicant can discuss if any comments have been received. Staff has received comments from one person.

Cari then provided an overview of the purpose of the work session, the next steps for the request, and the location of the site as shown on a Vicinity Map. It was clarified that the two buildings are on the same parcel and the proposed Zone Change is on a separate vacant parcel zoned Residential that is also owned by the applicant. Joe Dick, the applicant, joined the discussion at this time.

Cari indicated that the property is within the Grasshopper Flat Planned Area in the Community Plan. She then reviewed the Community Plan recommendations for that Planned Area and provided an overview of the proposed Zone Change request.

Cari indicated that in considering different zones for a parking lot, it was determined that given the C-2 zoning on the properties to the north and the west and the desire to use the parking lot to supplement parking at the bike shop, a C-2 zone is being proposed, because the two parcels would be combined, and that would avoid having one lot with split zoning. Chair Losoff commented that with a C-2 Zoning, it could end up with something other than a parking lot.

Cari agreed and explained that staff looks at the first use of the parking lot, but also the potential for the site. She then provided a summary of the differences between the R-6 and the C-2 zones, including the use, setbacks, lot coverage, Development Review for buildings, and screening requirements. She then described how those differences would apply to the applicant's parcel currently zoned Residential and provided an overview of the reviewing agency comments.

Commission's Comments and Concerns:

- Question about existing parking on the residential lot. Cari and the applicant confirmed that parking is for Over the Edge Bikes and that the non-conforming use would be remedied.
- Comment that the applicant then wants to improve what is already happening and do it in conformance with the requirements, and the way to do that is with a Zone Change. Cari agreed and explained that they have found that they need more parking than the minimum code requirements on the commercial lot.
- Question about the previous project for a food truck. Cari explained that the Conditional Use Permit is for the property, so if they find someone else who could meet the Conditions of Approval, they could locate a different food truck there.
- Question about the need for parking islands. Cari explained that there are other landscaping requirements along the property lines; however, the requirement for landscaped peninsulas would not apply.
- Question about the meaning of "minimum stacking distance" in the Land Development Code. Cari explained that is the distance between the first parking space and the street; however, something different can be approved by the City Engineer and Community Development Director for smaller parking areas.
- Question about the continued use of the bike track. Cari indicated that it will be going away and there is a working group pursuing that at Posse Ground.
- Question as to if there are any grading or drainage issues. David Peck stated that the main one is that they want no encroachment or fill on the wash on the west side of the parcel, and they plan to use crushed granite which helps stormwater pollution prevention. There also is an existing 12 in. culvert and the end is smashed, so that should be upgraded to a 15 in. size to meet the current standards.
- Comment that the proposal seems to provide an excellent buffer with that existing landscaped area, and if a building was ever built, the Commission would see it again. Cari agreed and explained that there are landscape and screening requirements between residential and commercial, plus the increased setbacks, in addition to the height reduction.
- Question about the location of the property line in relation to the ditch. The applicant explained that the ditch borders the property line and it carries the water off of 89A and Sedona West. David Peck indicated that the existing berms will be graded down for the parking lot and it can go to the edge of the ditch. The last parking space will back into a small turnout and there may be something like railroad ties or a concrete curb, but no wall is needed.
- Question about community benefits and whether combining the two lots would make the property more valuable for the applicant. Audree Juhlin explained that anytime you upzone, there is a potential for an increase in the value of the property.
- Comment that if the value of the property is dramatically increasing, community benefits should be discussed in the next meeting, because when the project is done, the applicant could knock down all of the structures and built one large building with the C-2 zoning.
- Comment that regarding community benefits on the lower scale, this project will be great for the community and dress up that corner, so the property will look a lot nicer.

- Question about the property across the street. Cari indicated that it is residence, but there may be a home office there.
- Comment that it looked like it was commercial already. Cari indicated that staff can look into it further. The applicant then stated that there are two homes on that property, and there may have been mention of an office being in there. Cari explained that a home occupation would be allowed under the Code.
- Question about the nature of the second business operating on the commercial frontage and its parking requirements. The applicant explained that lady has parking in front and on the side, and Cari explained that she is required to have two parking spaces in front of the building. Audree Juhlin added that it is a retail use.
- Question about being able to condition the property's future use, or alternatively, with a new owner, the property could be developed entirely for commercial purposes, and the neighborhood could expect more encroachment of commercial activity than the use of a parking lot. Cari indicated that it can be conditioned on the first use of the property, but once they develop the property as a parking lot, the zoning would be vested. A Parking Zone was considered, but we didn't want to create a split zoning on the property.
- Comment that the existing square footage wouldn't allow it to be developed for residential use. Cari clarified that it would; the current zoning has a 6,000 sq. ft. minimum lot size and the proposed commercial zoning has a 10,000 sq. ft. minimum, so the combination of the two parcels would be required to meet that minimum lot size.
- Comment that overall the Commission doesn't have any particular big-picture objections.
- Question about the trapezoidal piece being the area cited as being commercial in time. Cari explained that it is defined as a Planned Area, which allows for Zone Changes to a wider variety of uses.
- Comment that there would be no point in placing restrictions on this site, because it is in that Planned Area.

Chair Losoff summarized that two things are needed for the next meeting, one is some discussion about community benefits, and the second is to provide alternatives if we want to restrict it, so the Commission knows the options.

Commission's Comments and Concerns (continued):

- Question about the minimum change that could be made to allow the proposed use of this land, such as approving the non-conforming use on the residential lot, etc. Audree Juhlin indicated that there are ways to bring back alternatives. The difference with the Mariposa project is that was a voluntary concession by the property owner, but staff will provide other zoning options.

Mr. Dick, the applicant, reminded the Commission that he has owned that lot for 28 years and the front part for 44 years, and he has had several businesses in Sedona on that property. It was originally Sedona Floral & Nursery, and he built the building for it. He is trying to get a feeling of the Commission's real concern. Future is like infinity, and it sounds like you are asking for something like that and if you can put a restriction on development other than a parking lot. Originally, it was a Transitional property and he tried to build a small duplex and the City refused it, and they weren't in favor of really building on it, because it would be bordered by commercial on the front and to one side. Now with the growth of the bike shop, they have found there is congestion in the front and the parking lot would be great, and they have no objection to the jumps going away. It would be a benefit to the community by getting the lot cleared up and improved. Mr. Dick then pointed out the existing trees and indicated that there also are others along the ditch area, and there is also a fence and trees from the adjoining residential property, so it is well protected.

Mr. Dick indicated that his intention is to just have a parking lot on it, but he can't predict the future. It is difficult to make an issue out of possibly restricting anything else in the future,

unless it would have a negative impact on the area, but that is for the Commission to decide at that time.

The Chair indicated that the Commission doesn't have any particular problem, but long-term, someone could put up a big gas station. Once it is rezoned Commercial, there are like 76 things that could go in there, so staff can go through those things with you to see what is agreeable. Mr. Dick pointed out that if anything changed, that is what the Commission is for, to approve or not approve.

Commission's Comments and Concerns (continued):

- Comment that if the applicant now came in with a set of shops and residences above, it would probably be looked at favorably. The Chair indicated that staff will get with the applicant and discuss these things.

Mr. Dick indicated that he is just trying to make it pleasurable to the owners of the bike shop and remove some of the congestion in front; that is his intention.

5. DISCUSSION/UPDATE ON THE CURRENT DEVELOPMENT REVIEW PROCESS AND THE DESIGN REVIEW WORK GROUP CURRENTLY MEETING THROUGH THE CITY'S CITIZEN ENGAGEMENT PROGRAM (60 MINUTES, 4:15PM - 5:15 PM)

Chair Losoff explained that a Citizens Engagement Committee has been formed to look at the Development Review process. The Committee consists of Commissioner Currivan and himself, Audree Juhlin and Cari Meyer, plus a couple of members of the community -- a developer and engineer. There have been two meetings and a summary of what has been discussed is in the packet.

The Chair then indicated that he wanted to discuss the Overview/Big Picture Questions, as there were some questions regarding the need for the current process and all of the meetings, etc., then in the section titled, General Concerns with Current Process, these items came from some of the people on the Committee. The Chair then referenced the following item: "Review agencies should separate comments based on when they are required to be addressed; for example, does the Commission really need to see all the comments that agencies have that will be addressed at a future stage". The Chair explained that sometimes the Commission asks the same questions that the reviewing agency asks, when perhaps we should trust them more and rely on their concerns to avoid duplication. Audree Juhlin added that staff and the Chair have discussed that the timing in which the Commission gets the other reviewing agency comments isn't conducive to the Commission understanding those comments, so you are duplicating some of the issues already brought forward. One concept is if we change the scheduling so staff has the other reviewing agencies comments in advance of the meeting, you would have the opportunity to have a number of days to review their input.

Commission's questions, comments or concerns:

- The consensus of the Commission was that is a good idea.
- Question about stretching out the timeline. Audree Juhlin explained that it could be backed off on staff's side by changing the reviewing agency dates.
- Question about what it would do to the applicants' schedule. Audree indicated that it may stretch it out by a week, but staff will work on the schedule. We want a schedule that is more definitive, and that would be incorporated if that is something we want to explore. Cari added that as an example, Mr. Dick received the comments this morning. Originally, it was scheduled so staff could meet with the applicant and reviewing agencies, and then the Commission on the same day, so people coming from out of town wouldn't have to make two trips; however, those comments were actually due on Monday, so if we moved that up to the preceding Wednesday, it would only reduce the review time by a couple of days, but the comments could be distributed with the packets and staff could still meet with the applicant on the day of the Commission's meeting.

- Suggestion that the other reviewing agencies separate their comments; the Commission doesn't need to read about fire extinguishers and sprinkler systems, but they do sometimes have comments about traffic movement, etc. Audree Juhlin indicated that issue came up in the working group, because a lot of comments are applicable to the construction review phase, not this phase, so if those can be separated and not brought to the Commission, it would be helpful.
- Comment that the Commission shouldn't be challenging where the fire exit goes, etc., unless staff has a problem with something.
- Comment that regarding consistency with the Community Plan, all that was necessary was to go to the Senior Planner's email and accept those as the recommendations to be relied upon, so the timing of the information flow will also make us better Commissioners.
- Comment that there are things that are asked during the meeting that could be asked of staff ahead of time.
- Comment to second that, but there is a lack of a keen sense of what should be asked ahead of time versus what should be asked in the public realm.
- Comment as to if the best way to utilize staff is for seven Commissioners to call with the same question. Audree Juhlin indicated yes, because if one Commissioner expresses a comment or concern, staff assumes that is one that might be shared by more Commissioners. For today's discussion, staff adapted the presentation to incorporate questions that had been asked, so it helps staff prepare information to help the Commission. Many times the questions require some research, so staff would then have time to research and respond to the questions.
- Comment that if it gets to be a burden, staff can tell the Commission.

The Chair indicated that the second item was, "Time -- the current process takes too long", and explained that they weren't just talking about the meetings; it was mostly from the time the applicant submits for approval, it seems to be too long. We have to be careful not to get too hasty, and that might have happened at the last meeting. We didn't have a preliminary work session where some things could have been discussed in a less formal manner and less contentiously. That is part of the problem in trying to speed up the process, so we have to see how we can meld it.

Commission's questions, comments or concerns (continued):

- Comment that the Commission has seen projects in the past and staff has looked at it in terms of the Community Plan or the Design Review Manual, and that should be a top priority, then staff's interpretation should be spelled out in how it does or doesn't conform. The Character Districts also should be analyzed by staff. Audree Juhlin explained that at the conceptual stage, staff doesn't have enough information to do a thorough evaluation. We can conceptually see if it meets the Community Plan, as we did today, but it is difficult for a more in-depth review.

The Chair noted that moves into the third bullet, "The Commission tends to drag out issues; meetings become repetitious and redundant".

Commission's questions, comments or concerns (continued):

- Comment that the Commission has dragged out traffic studies a number of times.
- Comment that the Commission doesn't want to impose a one-size-fits-all schedule. We should start with the Conceptual and Final parts, and each part has the potential for three meetings, and hopefully, staff can give some recommendations on how many will be needed. The flip side is that the applicant should appreciate it if the Commission can come up with the bigger-picture issues early in the game versus the nitpicking stuff, so they don't feel blind-sighted later.
- Comment that there haven't been really long delays because of the process; some delays are because of the applicant. For example, Sky Ranch Lodge was about a 3-year process, but perhaps we could have combined several of the things.
- Comment that they needed the Community Plan Amendment to go ahead, and they don't want to invest the time and money before knowing they can proceed.

- Question about any evidence that Sedona is below average in this area. Audree Juhlin indicated that we have made that comparison, and for the most part, we are much quicker in processing applications than other jurisdictions.
- Comment that if we have data like that, it would be good to point that out. Audree Juhlin explained that where it is difficult to compare is when it goes back to the applicant to address all of the concerns and issues, and that may extend a project a couple of years. For instance, from the time the Sky Ranch Lodge obtained their Community Plan Amendment and submitted their application, it was more than eight months later, and after we did the first review with the Commission, it was again a number of months before they resubmitted for a hearing, so it is hard to say how much time is the Commission's without extrapolating the time for the applicant's part.
- Suggestion that the Committee look at a couple of projects and see how long they took; it may not be as long as people think.
- Comment that as an applicant, Sedona's process is very good. In many places, like Palm Desert, there is another step in the process called a Design Review Board before you go to Planning & Zoning, so by comparison, we are doing very well.

The Chair indicated that the next point is the "Commission's confidence in staff's review and the Commission's awareness of staff's work prior to the public hearing", and the audience thinks we aren't paying attention, not to say we can't ask for clarification, but we get too far into the detail, almost micromanaging.

Commission's questions, comments or concerns (continued):

- Comment that the Commission should just be aware of that.
- Comment that the Commission has had a tendency to go into a lot of in-depth questioning about Traffic Studies, but how important is the level of service? A good question might be when it was done, was it during peak hours, etc., but does the level of service really make a difference? Sometimes we have to be careful about getting into the details.
- Comment that when the Commission is passionate about a particular issue, maybe we can be more self-governing in our comments. It is sometimes hard to wait for your turn, when it has been said by six others before you, but if we could do better self-governance, we might not take as much time or lessen the message, and it might further our perception as a collegial Commission.

The Chair indicated that gets into the next item that "Meetings are too long -- be aware of time". One Committee Member indicated that we all seem to feel we have to say something although it has already been said. How should we deal with that?

Commission's questions, comments or concerns (continued):

- Comment that as questions are answered, those questions are crossed out.
- Comment that the Chair could also remind Commissioners that if you aren't adding new content to what was said before and you are just in agreement, then just keep your remarks to that.
- Comment that going down the line is good, because it shows the Chair is impartial.
- Comment that it is important to know there is consensus and more than one person thinks that.
- Comment that sometimes saying things from a different slant leads to a discussion; it is just a case of being careful.
- Comment that it is also educational for the audience; they aren't rubber-stamped programs and we are questioning.
- Comment that if only one person spoke about an issue, the applicant may not understand the severity of the concern.
- Comment that one way to deal with it is for the next person to express agreement without going into detail. There also could be more interaction among Commissioners.
- Comment that the roundtable discussion at the last meeting was good.
- Comment that the concern about the meetings being too long seemed to be focused on audience comments, when 15 people want to say the same thing.

Audree Juhlin indicated that the Commission has been doing a good job in managing time, since the suggested times were added to the agenda, and then the Chair explained that the final item in the list is, "Clarify code requirement comments vs. "taste/preference" comments. As Commissioners, we have to be careful and not lead with our personal feelings. We have to go by the Code, etc. We will see what ideas come from the Committee; there are several items on the table, and as far as possible changes, he and Audree discussed the possibility of having a consent agenda for TUPs, etc., when staff is satisfied.

Commission's questions, comments or concerns (continued):

- Comment that some of those permits have issues like sound, and the Commission has "peaked under the hood" in how they are going to comply.
- Comment that the Commission doesn't need to do that; the staff should do that. If the sound level is too high, staff has to take care of it. We don't have expertise in acoustics, so the Commission shouldn't spend a lot of time on that.
- Comment that a recent project involved complaints from the neighbors, and if you don't deal with it at the Commission level, there is no guarantee that it is going to be enforced when the City is short-staffed.
- Question about the protocol for a consent agenda and if it would be like the City Council's where a TUP could be pulled for discussion to allow the Commission to get involved -- the idea is great.

Ron Ramsey explained that the Commission is under more constraints than most items on the Council's agenda, because a lot of the Commission's items require public hearings and you can't have a public hearing on the consent agenda.

Commission's questions, comments or concerns (continued):

- Question about which items could be on a consent agenda. Ron Ramsey indicated that he would have to check the Code for Conditional Use Permits, and noted that if the Commission can add more detail to staff's conditions to set firm review criteria like directional speakers, etc., it is easier to say they are in violation. If the condition is just to meet code requirements, it will be difficult to say they are in violation and you want to revoke the permit.
- Question about the Farmer's Market that came back five times for different venues and the need to go through all of it each time. Ron Ramsey indicated that staff could prepare like an Agenda Bill summary that you could see, and that particular item could be put on the consent agenda, and then see if somebody pulls it. It would have to be more project by project. Audree Juhlin explained that a question to research is if it is a state requirement or Sedona's Land Development Code that triggers the need for a public hearing for a Conditional Use Permit. If there is some latitude, perhaps we can break up the CUP process into a simple CUP and a more complex CUP, and then put it on a consent agenda, and if no public shows up and they have the ability to pull it, if that is legal, or if the Commission doesn't pull it, perhaps that is a way to do a simple CUP, but it seems that would be the only discretionary item, and it would take an amendment to our Code.

The Chair indicated that can be discussed more in a follow-up meeting, and hopefully, after a couple of more Committee meetings, there will be some more ideas.

Commission's questions, comments or concerns (comments):

- Comment that when staff goes through a project and gets the responses from people within 500 ft., then the first meeting should be the public hearing for information gathering, so the Commission can hear everything. Then, we would have the work session. It would be alright if we get a packet beforehand with sketches, etc.
- Comment that if the comments are given too early, there may not be very many people at the initial meeting, and then they will show up at a later meeting. Audree Juhlin explained that the Conceptual Review and then the Final Review is not what is in the Land Development Code, but it has been the practice for several years. In the third meeting of the Conceptual Review

process, it is required to have a public hearing so the public can provide comments, so if we go to a simplified process that is in the Land Development Code now with one conceptual, one work session and one public hearing, the first Conceptual Review could emphasize that point.

The Chair repeated that we will see what ideas the Committee comes up with. Overall, we are doing a good job and not being unnecessarily harsh, but we perhaps got carried away last time. Ron Ramsey indicated that when you are talking about the development of the Community Plan, that group of statutes is very thorough and it has phrases like, early, effective and continuous, so his caution is don't insert the public input at a point so far downstream that it is not effective. Zoning statutes don't have those same phrases, but it is a good guideline. On the other hand, the public input has to be at a point where the project is developed enough, so they can understand it. At the Conceptual Review when all of the things are undecided, they usually raise issues that could have been answered had they read the report, so it is a balance.

Commission's questions, comments or concerns (comments):

- Comment that we have been allowing comment at the Conceptual Review. Ron Ramsey explained that a true work session is a work session and there is no public input. They can observe, but it is a dialogue between the governing body and the staff and possibly the applicant. You get down that road, when you ask the applicant and don't want the neighbors to respond, but a work session isn't designed to have public input. Some work session agendas have included an item for possible action, and if you trigger that, then the agenda will invite them in. There really shouldn't be an action item on a work session agenda. If you are going to have a special session, that would be more appropriate.
- Suggestion to put on the agenda that public input will be welcome at a future date. Audree Juhlin explained it is determined by the agenda item, and there have been times we have had an action item on a Thursday work session agenda, so we didn't have to have a Tuesday night meeting. The practice has been at the discretion of the Chair as to whether or not it is open for public comment. Ron Ramsey added that there is an understanding in the public about a work session as well; they probably aren't going to be anxious to attend, knowing that there will be a public hearing on a later date, so if you open it up, it would be to the good fortune of the few that had nothing else to do that night. Audree Juhlin explained that when notification is sent to the property owners in the vicinity, it says there will be a work session on this date and public comments are not to be taken at that time, the next meeting date is when we welcome those comments, so that is a good point.
- Comment that the preference is to have work sessions around the table where you can talk rather than being this formal.
- Comment pertaining to the earlier suggestion in that once we have a public hearing, we would have a work session and if we see something that has to be changed, we have a public hearing right after that, and we still have the same discussion, then we have a chance to vote that night or ask for another work session based on the public input, so the public is put on notice twice.

The Chair indicated that this discussion can be taken to the Committee for input. This year we are kind of assessing ourselves.

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, April 1, 2014; 5:30 pm (Regular)
- b. Thursday, April 10, 2014; 3:30 pm (Work Session)
- c. Tuesday, April 15, 2014; 5:30 pm (Regular)
- d. Thursday, May 1, 2014; 3:30 pm (Work Session)

Audree Juhlin indicated that April 1st is canceled. The CIP will be on April 10th and there could be another work session on the Sedona Rouge if needed. Commissioner Jablow indicated that he will not be available, and the consensus of the Commission was that an additional work session was not necessary. April 15th will be the Sedona Rouge public hearing, and the Commission will have an opportunity to review the Development Agreement, even though the Commission will not be making any decisions on that. The Chair suggested having some guidelines on what the

Commission can and can't do for that hearing and Audree Juhlin explained that the Commission will receive a memo. Audree then indicated that May 1st will be Sky Ridge, formerly known as the Mormon Hills Estates, and a CUP renewal for Sedona ATV, unless the Commission doesn't want that on the same agenda, but staff would just introduce it to the Commission. The Chair stated that the Commission will hear it.

7. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**

There was no Executive Session held.

8. ADJOURNMENT

Chair Losoff called for adjournment at 5:16 p.m., without objection.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on March 27, 2014.

Donna A. S. Puckett, *Administrative Assistant*

Date